Status of the Model Retail Food Store Sanitation Ordinance

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ABSTRACT

This is a status report on the Model Retail Food Store Sanitation Ordinance developed by the U.S. Food and Drug Administration for adoption by State and local regulatory agencies. The Ordinance is currently under final review by the Federal agency. Approval is expected by the end of 1979. It is the first time the Federal Government has developed specific recommendations for the sanitary operation of retail food stores. The Ordinance has been under development since 1973. It contains information on some General Provisions, Food Care, Personnel, Equipment and Utensils, Cleaning, Sanitization and Storage of Equipment and Utensils, Sanitary Facilities and Controls, Construction and Maintenance of Physical Facilities and Compliance Procedures. Several drafts preceded the original proposal which was available for public comment in October, 1977, with a subsequent revised edition available for comment in November, 1978. All comments received were given due consideration and the final version prepared for agency clearance. FDA believes the Ordinance is practical and enforceable. If the recommendations are implemented by the retail food store industry and equitably enforced by the regulatory agencies, the marketplace should be a safer place in which to retail food which meets the expectations of the buyer.

Because of our past experience in the development of ordinances, it seemed logical that we should undertake the task of providing a uniform model ordinance that was consistent in recommendations with previously developed documents for the foodservice and vending industries.

The publication of this particular model ordinance will complete a triad of documents listing recommendations of FDA for the sanitary operation of retail food establishments (foodservice, vending, and retail food stores).

DEVELOPMENT OF THE ORDINANCE

As a result of the Denver Conference, followed by industry representative contacts and requests from the regulatory agencies, the Division of Retail Food Protection initiated a literature search to obtain additional information and to confirm the need for a model ordinance for the retail food store industry.

We learned that the Center for Disease Control in the mid '70's had reported cases of trichinosis from adulteration of commercial beef with pork purchased at the retail level (2). The American Medical Association reported in 1972 that a significant proportion of reported foodborne illnesses were attributed to market-prepared, ready-to-eat foods (3). A retail food survey in 1972 revealed the presence of pathogenic organisms in salads and sandwiches (5). Fecal contamination of fruits and vegetables was reported in one literature review (6).

In 1973 FDA looked at 35 State legal documents that contained sanitation requirements used by those States when inspecting retail food stores. Few States were found to have specific sanitary requirements for operation of these stores. Some States used the same specific sanitation criteria when inspecting foodservice establishments and retail markets. Others used their State Food, Drug and Cosmetic Acts or Regulations based upon those laws. Differences in food temperature requirements, as well as other inconsistencies, were noted between the food service and retail food store codes within the same jurisdiction.

State and local regulatory personnel had reported the most common occurring violations in the marketplace to be the presence or evidence of rodents and insects, lack of adequate or proper equipment for the maintenance of safe food product temperatures, poor hygienic practices...
and improper cleaning and sanitizing of food-handling equipment and utensils. The turnover of store personnel and the use of temporary or part-time workers was another important factor that contributed to many observed violations. This pointed out the need for training of all food handlers.

With this background of reported foodborne illness, food sample surveys revealing product adulteration, a variety of State sanitary requirements, little uniformity in enforcement practices and the concern of the industry and regulatory agencies, FDA was convinced there was a need to develop a model ordinance for the sanitary operation of retail food stores.

The ordinance proposal was discussed with representatives of the Association of Food and Drug Officials (AFDO) and industry representatives from the Food Marketing Institute, the National Association of Retail Grocers of the U.S. and the National Association of Food Chains, among others. In August, 1974 AFDO submitted to FDA its own version of a model ordinance and asked that it be published in the Federal Register for adoption by the States. The AFDO proposal was quite similar to the FDA draft being developed at the time. FDA had used suggestions from the industry and regulatory agencies, including the USDA, in putting together its proposed ordinance. Some field testing of the inspection report form was done during this period.

In 1973 and 1974, there was considerable discussion about FDA issuing both a regulation and a model ordinance. In fact, we were writing both at one point. A decision was made near the end of 1974 that since FDA would not inspect or regulate retail food stores, there was no need for a regulation. These discussions resulted only in delay of the ordinance, but we believe it was worthwhile to solve this problem of dual publication.

At the time we were developing the ordinance, industry was doing its thing. The trade associations had shown great interest in the ordinance and contributed much to its content. Two trade associations developed training programs incorporating some basic public health principles. The National Association of Retail Grocers (NARGUS), for example, developed and published a retail food store sanitation program with the hope of improving the total environment among the various segments of the food supply chain (1). NARGUS wanted to illustrate that an efficient marketing system can be accomplished and was interested in effecting improvement of food handling, storage, and distribution.

The Food Marketing Institute (FMI) developed a training program for management at the retail level called MUST, the acronym for Manager Uniform Sanitation Training. This is a program to Train the Trainer in instructing those persons responsible for making others aware of their obligations with regard to good food-handling practices in the marketplace.

Early in 1976, a draft of the proposed ordinance was sent to industry representatives and State regulatory agencies for their review and comment. The suggestions received were incorporated into a final draft with an announcement of its availability for public comment published in the Federal Register in October, 1977.

COMMENTS ON THE DOCUMENT

We received some very constructive comments from the industry, trade associations, regulatory agencies, individuals, academia, professional associations and the military. Some respondents expressed concern about protection of food while in transit, manual cleaning and sanitizing procedures and our omission of any discussion of sample demonstrations or sales promotions that occur at the retail level. Industry was particularly concerned that the ordinance would be "liberally construed and applied", which in their opinion was favorable to the regulatory agency and detrimental to the industry. Additional comments were made about the compliance portions of the ordinance. Because of the large number of comments received (approximately 1,000), the Commissioner of Food and Drugs concurred that a revision of the proposal would be in order. A revised proposal was prepared, taking into consideration the comments that had been received.

In November, 1978, a second Federal Register announcement was made asking for public comment on the revised model ordinance. This comment period ended January 31, 1979.

We received 672 comments from 49 respondents about the revision. Subject areas most commented upon were concerned with some of the definitions (modifications, additions, deletions), food storage, particularly refrigerated storage, manual cleaning and sanitizing operations and some of the compliance procedures dealing with suspension of permits, correction of violations and penalties. There were even some complimentary comments on the proposal which were good to receive.

Remember, the document is an ordinance, not a regulation. It only is effective when adopted by the regulatory agency having responsibility to inspect the retail food store industry in its respective jurisdiction.

We realize that most States and local regulatory agencies have their own legal guidelines that must be followed. However, there are some agencies that want guidance in the compliance area; consequently, we spoke to that subject in the ordinance.

The time it has taken to develop this document has been lengthy. Sometimes it looked like it would never issue. We appreciate the input from all those persons who cared to participate in its construction. We believe we have reached a consensus regarding sanitation criteria for the retail food store industry which, if implemented, will result in better protection of the food supply at the retail level. The ordinance provides the minimum sanitary standards with which all retail food stores should be able to comply. In its reissued form, the document contains recommendations on some general provisions, food care, personnel, equipment and utensils, cleaning, sanitization and storage of equipment.
and utensils, sanitary facilities and controls, construction and maintenance of physical facilities and compliance procedures. The true worth of the ordinance will be found in implementation of these recommendations through education and firm, equitable enforcement. We hope the model document will fulfill a current need. The ordinance will be included in the manual format like the present Food Service Sanitation Manual. The manual will contain reasons for the specific requirements, a short adoptive form of the ordinance, the recommended model ordinance, and other pertinent information. We expect approval by the end of 1979. Pre-publication copies should be available in early 1980 and printed copies from GPO in the spring of that year.

ACKNOWLEDGMENTS


REFERENCES